

1 RESOLUTION NO. 21742

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 RIVERSIDE, CALIFORNIA, ESTABLISHING A CODE OF ETHICS  
4 AND CONDUCT FOR ELECTED OFFICIALS AND MEMBERS OF  
5 APPOINTED BOARDS, COMMISSIONS AND COMMITTEES, AND  
6 REPEALING RESOLUTION NO. 21560.

7 WHEREAS, on November 2, 2004, Measure DD was approved by the voters of the City  
8 of Riverside, thereby adding Section 202 to the Riverside City Charter; and

9 WHEREAS, Charter Section 202 requires the adoption of a Code of Ethics and Conduct  
10 for elected officials and members of appointed boards and commissions within six months of the  
11 effective date of the Charter; and

12 WHEREAS, adoption of a Code of Ethics and Conduct on or before July 12, 2005, would  
13 comply with these provisions; and

14 WHEREAS, on February 15, 2005, the City Council approved the formation of an eleven  
15 member committee to meet, develop and present a Code of Ethics and Conduct for City Council  
16 consideration; and

17 WHEREAS, on June 7, 2005, upon completion of its work, the Code and Ethics and  
18 Conduct Committee submitted its draft of the Code of Ethics and Conduct to the City Council for  
19 consideration and approval; and

20 WHEREAS, on July 12, 2005, the City Council adopted Resolution No. 20986 in  
21 compliance with Charter Section 202; and

22 WHEREAS, on December 11, 2007, the City Council adopted amendments to the Code  
23 of Ethics through Resolution No. 21560; and

24 WHEREAS, on September 3 and 12, 2008, the Governmental Affairs Committee met for  
25 the purpose of assessing the effectiveness and application of the Code of Ethics and Conduct and  
26 made recommendations to the City Council; and

27 WHEREAS, on October 28, 2008, the City Council conducted its annual review and  
28 evaluation of the effectiveness of the Code of Ethics and Conduct and desires to further amend  
the Code of Ethics and Conduct.

1 NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside  
2 that the following shall be the Code of Ethics and Conduct for all elected officials and members  
3 of appointed boards, commissions, and committees for the City of Riverside.

4 I

5 **PREAMBLE**

6 The people of the City of Riverside, at an election held on November 2, 2004, approved  
7 an amendment to the City Charter of the City of Riverside which states: "The City of Riverside  
8 shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards,  
9 commissions, and committees which shall assure public confidence in the integrity of local  
10 government and its effective and fair operation." To assure public confidence in and ensure  
11 effective and fair operation of the local government of the City of Riverside the following Code  
12 of Ethics and Conduct is hereby adopted by the City of Riverside.

13 II

14 **CODE PROVISIONS**

15 A. **Purpose**

16 It is the intent of this code to achieve fair, ethical, and accountable local government for  
17 the City of Riverside. The people of Riverside expect public officials, both elected and  
18 appointed, to comply with both the letter and the spirit of the laws of the State of California, the  
19 United States of America and the Charter, Municipal Code, and established policies of the City  
20 of Riverside affecting the operations of local government. In addition, public officials are  
21 expected to comply with the provisions of this Code of Ethics and Conduct established pursuant  
22 to the expressed will of the people. All persons covered by this code will aspire to meet the  
23 highest ethical standards in the conduct of their responsibility as an elected or appointed official  
24 of the City of Riverside.

25 B. **Scope**

26 The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members  
27 of the City Council, and to all members of the boards, commissions, and committees appointed  
28 by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc*

1 committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to  
2 officials and members acting in their official capacities and in the discharge of their duties.

3 C. Core Values

4 The people of the City of Riverside share a set of core values that constitute the guiding  
5 principles for the establishment of this code. We express these core values in the following  
6 aspirations. As citizens of the City of Riverside we aspire:

- 7 (1) To create a government that is trusted by everyone.
- 8 (2) To make decisions that are unbiased, fair, and honest.
- 9 (3) To use public office for service to the public good and not for personal or private  
10 gain.
- 11 (4) To ensure that everyone is treated with respect and in a just and fair manner.
- 12 (5) To create a community that affirms the value of diversity.
- 13 (6) To ensure that all public decisions are well informed, independent, and in the best  
14 interests of the City of Riverside.
- 15 (7) To maintain a nonpartisan and civic minded local government.
- 16 (8) To ensure that all officials are adequately prepared for the duties of their office.

17 Based upon these core values it is the City of Riverside's intent to establish through this  
18 Code of Ethics and Conduct reasonable expectations of behavior for elected and appointed  
19 public officials who will meet the aspirations of these core values.

20 D. Creating Trust of Local Government

21 As elected and appointed officials of the City of Riverside we desire to operate our  
22 government and exercise our responsibilities in a manner which creates a trust in the decisions  
23 that we make and the manner of delivery of programs through the local government. We desire  
24 to create a transparent decision making process by providing easy access to all public  
25 information about actual or potential conflicts between our private interests and our public  
26 responsibilities. We commit to making ourselves available to the people of the city to hear and  
27 understand their concerns. We commit to making every effort to ensure that we have accurate  
28 information to guide our decisions and to share all public information with the community to

1 ensure their understanding of the basis of our decisions.

2 E. Making Unbiased, Fair, and Honest Decisions

3 As elected and appointed officials of the City of Riverside we seek to ensure our  
4 decisions are viewed as unbiased, fair, and honest. We affirm our desire to avoid participation in  
5 all decisions which create a real or perceived conflict of interest. We commit to disclose any  
6 personal interest that would be perceived to be in conflict with the fair and impartial exercise of  
7 our responsibilities. We will not accept gifts or favors which might compromise the  
8 independence of our judgments or actions or give the appearance of being compromised.

9 F. Use of Office for Service to the Public Good and Not for Personal or Private Gain

10 As elected and appointed officials of the City of Riverside we recognize our  
11 responsibility to use the benefits of our public office exclusively for the public purpose for which  
12 it was created. We affirm our desire to avoid the use of our office for personal or private gain by  
13 accepting gifts or favors which might compromise the independence of our judgment or give the  
14 appearance of being compromised, using our official title for matters other than the official  
15 conduct of our office, and engaging in decisions which would affect the level of compensation  
16 we may receive for our service. Acceptance of gifts shall otherwise be consistent with the  
17 requirements and limitations of state law.

18 G. Treating Everyone with Respect and in a Just and Fair Manner

19 As elected and appointed officials of the City of Riverside we understand our  
20 responsibility to make extraordinary attempts to treat all people, including city staff, in a manner  
21 which we would consider just and fair. We value and encourage input from members of the  
22 community and encourage open and free discussion of public issues. We affirm our desire to  
23 have all persons treated with respect as they come before the body on which we serve. We affirm  
24 our commitment to create an atmosphere of genuine interest in their point of view even if it  
25 differs from our own.

26 H. Creating a Community that Affirms the Value of Diversity

27 As elected and appointed officials of the City of Riverside we recognize and affirm the  
28 value of all persons, families, and communities within the City of Riverside. We will encourage

1 full participation of all persons and groups, be aware and observe important celebrations and  
2 events which reflect the values of our diverse population, and provide assistance for those who  
3 find it difficult to participate due to language barriers or disabilities.

4 I. Ensuring that all Public Decisions are Well Informed, Independent, and in the Best  
5 Interests of the City of Riverside

6 As elected and appointed officials of the City of Riverside we encourage and support  
7 research and information gathering from verifiable sources. We will seek to ensure that  
8 information provided by the City Government to the public is accurate and clear. We will ensure  
9 that all information utilized in the decision making process, except that which by law is  
10 confidential, will be shared with the public.

11 J. Maintaining a Nonpartisan and Civic Minded Local Government

12 As elected and appointed officials of the City of Riverside we affirm the value of our  
13 nonpartisan council-manager form of government.

14 K. Ensuring that All Officials are Prepared for the Exercise of their Duties

15 As elected and appointed officials we commit to participation in all orientation and  
16 training sessions which are presented to ensure our full preparation for the exercise of our public  
17 duties.

18 III

19 IMPLEMENTATION OF THE CODE

20 A. Implementation, Monitoring and Oversight

21 Monitoring and oversight are essential to ensure this Code of Ethics and Conduct is  
22 effectively implemented. The objectives of this implementation effort shall include:

23 All persons covered by this code must be aware of its provisions.

24 All persons covered by this code shall have resources available to clarify expectations in  
25 situations where they feel a potential area of noncompliance may exist.

26 All bodies covered by the code shall adopt rules of procedure which include the  
27 provisions of this code.

28 Annual review shall be conducted to ensure the code is being applied in a fair and

1 effective manner.

2 Annual review shall be conducted by the City Council at a regular meeting.

3 To achieve these objectives the following mechanisms should be utilized.

4 1. All new members of the City Council, upon election or reelection, and members of  
5 boards, commissions, and committees appointed by the City Council, upon appointment or  
6 reappointment, shall be given a copy of the code and required to affirm in writing they have  
7 received the code and understand its provisions. (See Attachment A).

8 2. All new members of the City Council and boards, commissions, and committees shall  
9 be provided a training session which shall clarify the provisions and application of the code.  
10 These sessions shall be coordinated by the City Manager, City Attorney and City Clerk through  
11 the Mayor's Office.

12 3. The City Attorney, or their designee, shall serve as a resource person to those persons  
13 covered by the code to assist them in determination of appropriate actions consistent with the  
14 code.

15 4. Complaints from members of the public regarding members of boards, commissions  
16 or committees shall be made in writing and first presented to the Chairperson of the respective  
17 board, commission or committee for review and resolution through the City Clerk. If not  
18 resolved, the complaint will be forwarded to the Mayor's Nominating and Screening Committee.  
19 Complaints regarding elected officials shall be made in writing and presented to the Chairperson  
20 of the Mayor's Nominating and Screening Committee through the City Clerk. The complaint  
21 shall be forwarded to the Mayor's Nominating and Screening Committee for review and  
22 resolution. If the complaint concerns a member of that Committee, the City Council shall  
23 appoint another councilmember to review that complaint only. If the complaint concerns the  
24 Mayor, the Mayor shall recuse himself/herself from review of that complaint. Complaints  
25 concerning Section II, F herein, shall be made in writing and presented by the person who claims  
26 to have been treated in a manner inconsistent with that Section. Complaints shall be presented  
27 within thirty (30) days of the date of the alleged act or omission which forms the basis for the  
28 complaint. Complaints shall be retained for at least two years.

1           5. The chair of each body covered by this code is responsible to intervene and provide  
2 appropriate guidance to members and, if need be, communicate concerns to the City Council.

3           6. In September of each year, the Mayor, the City Manager, the City Attorney and the  
4 chairs of all Boards and Commissions shall meet with the Governmental Affairs Committee of  
5 the City Council to assess the effectiveness of this code and its application. They shall present a  
6 report to the City Council which may include recommendations for the inclusion of new values  
7 or procedures. Prior to the annual Governmental Affairs Committee meeting, every Board and  
8 Commission is encouraged to agendaize and discuss the Code and submit any recommendations  
9 for the Committee's consideration.

10           7. In September of each year, the City Council, at a regularly scheduled meeting, shall  
11 review the report and make an independent evaluation of the effectiveness of the Code of Ethics  
12 and Conduct.

13       B.   Enforcement and Sanctions

14           It is the intention that this code be self enforcing. However, it is recognized that there  
15 may be instances where even after receiving guidance and counsel, a person may continue to  
16 violate the Code's provisions. In those cases sanctions would apply and would occur in a public  
17 meeting.

18           (1)   Mayor - City Council

19           The sanctions that would apply by action of the City Council would be:

20               (a)   Public censure of a member.

21               The ultimate sanction of removal from office would lie in the hands of the  
22 electorate.

23           (2)   Boards and Commissions

24               (a)   Public censure by the Board or Commission.

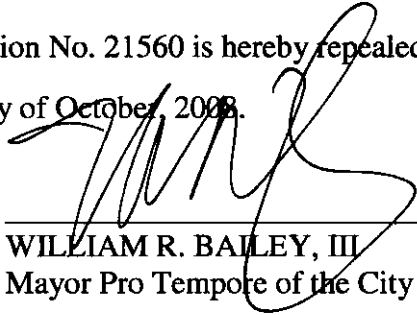
25               (b)   Public censure by the Mayor and City Council.

26               (c)   Removal from office by the Mayor and City Council.

27           Ultimately, the responsibility for the enforcement of this Code of Ethics and Conduct lies  
28 with the Mayor and City Council as they represent the will of the people of the City of Riverside.

1 BE IT FURTHER RESOLVED that Resolution No. 21560 is hereby repealed.

2 ADOPTED by the City Council this 28th day of October, 2008.

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WILLIAM R. BAILEY, III  
Mayor Pro Tempore of the City of Riverside

Attest:

  
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 28th day of October, 2008, by the following vote, to wit:

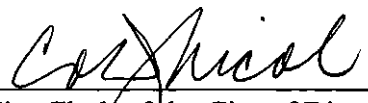
Ayes: Councilmembers Gardner, Melendrez, Bailey, Schiavone, Mac Arthur, Hart,  
and Adams

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 31st day of October, 2008.

  
City Clerk of the City of Riverside

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## **ATTACHMENT A**

### **City of Riverside Code of Ethics and Conduct**

#### **Officials Certification**

As a newly elected or appointed official of the City of Riverside, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Riverside, have been offered training and assistance in understanding this code, and am aware of the provisions of the code and its application to my responsibilities. Consistent with the code, I pledge the following in the conduct of my duties.

**As an elected /appointed official, I will aspire:**

- (1) To create a government that is trusted by everyone.**
- (2) To make decisions that are unbiased, fair and honest.**
- (3) To use my public offices for service to the public good and not for personal or private gain.**
- (4) To ensure that I treat everyone with respect and in a just and fair manner.**
- (5) To create a community that affirms the value of diversity.**
- (6) To ensure that all public decisions I make are well informed, independent, and in the best interests of the City of Riverside.**
- (7) To maintain a nonpartisan and civic minded local government.**
- (8) To be adequately prepared for the duties of my office.**

**Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_**

\_\_\_\_\_  
**Name:**

\_\_\_\_\_  
**Office:**